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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/770,551	01/26/2001	Brian L. Arend	020366-080100US	6404
84190	7590	05/29/2009		
Qwest Communications International Inc. 1801 California St., #900 Denver, CO 80202			EXAMINER MEHRPOUR, NAGHMEH	
			ART UNIT	PAPER NUMBER
			2617	
			MAIL DATE	DELIVERY MODE
			05/29/2009	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/770,551	<b>Applicant(s)</b> AREND ET AL.	
	<b>Examiner</b> MELODY MEHRPOUR	<b>Art Unit</b> 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6, 11, 13-16, 19, 21 and 23-31 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-5, 11, 13-16, 19, 21 and 28-31 is/are allowed.
- 6) ☒ Claim(s) 23 and 25 is/are rejected.
- 7) ☒ Claim(s) 24, 26, 27 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### *Allowable Subject Matter*

1. Applicant is advised that the Notice of Allowance mailed 10/20/08 is vacated. If the issue fee has already been paid, applicant may request a refund or request that the fee be credited to a deposit account. However, applicant may wait until the application is either found allowable or held abandoned. If allowed, upon receipt of a new Notice of Allowance, applicant may request that the previously submitted issue fee be applied. If abandoned, applicant may request refund or credit to a specified Deposit Account.
2. **Claims 1-6, 11, 13-16, 19, 21, 28-31**, are allowed.
3. **Claims 24, 26-27**, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identify disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 23, 25**, are rejected under 35 U.S.C. 103(a) as being unpatentable over Girad et al. (US Patent Number 6,687,506) in view Park et al. (US Patent 6, 490,455).

Regarding claim 23, and 25 Girod discloses a method for inhibiting wireless telecommunications within a limited region of the telecommunications coverage (see abstract, and col. 1 lines 13-17). Girod discloses generating a plurality of Jamming signals (see col. 1 lines 65-67, col. 2 lines 1-30, and col. 6 lines 19-35 where Girod discusses transmitting jamming signals to inhibit mobile phones within the spectrum of the phones, thus a plurality of signals). Girod discloses each signal within a different portion of the frequency range of the wireless telecommunications (see col. 2 lines 4-23, and col. 6 lines 19-35). Girod disclose broadcasting the plurality of noise signals from different locations into the region such that telecommunications is inhibited in the overlap of the broadcasted noise signals (see col. 6 lines 19-35, and col. 7 lines 5-18). Girod discloses wherein the region comprises an inherently an interior of an aircraft (see col. 1 lines 28-34 and col. 4 lines 22-37, where Girod discusses all types of spaces including vehicles).

Girod discloses sending Jamming signals but does not particularly teach noise signals. Park teaches noise signals (see col. 1 lines 35-50).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Girod and use noise signals, as

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discussed by Park, thereby increasing system safety and quality, as discussed by Park (col. 1 lines 19-33).

5. **Claims 3, 5-6, 16,** are rejected under 35 U.S.C. 103(a) as being unpatentable over Harris et al. (US Patent Number 6,222,458 B1) in view GEYRA (International Publication WO 98/34412).

Regarding claim 3, Harris teaches a method for inhibiting wireless telecommunication system comprising: broadcasting a noise signal (col 2 lines 19-20). Harris fails to teach that the telecommunication system broadcasts noise via at least one directional antenna to inhibit communication within a limited region. However GEYRA teaches a telecommunication system for inhibiting wireless communication that includes broadcasting noise via at least one directional antenna to inhibit communication within a limited region (page 3 lines 13-18). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of GEYRA with Harris, in order to provide disabling a wireless cellular phone that is restricted to a specific confined area.

### **Response to Arguments**

6. Applicant's arguments with respect to claims 23, 25, have been considered but are moot in view of the new ground(s) of rejection.

### **Conclusion**

**7. Any responses to this action should be mailed to:**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naghmeh Mehrpour whose telephone number is 571-272-7913. The examiner can normally be reached on 8:00- 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne Bost can be reached (571) 272-7023.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Naghmeh Mehrpour/

Primary Examiner, Art Unit 2617

January 29, 2009